

**STATE OF MAINE JUDICIAL BRANCH
POST-PANDEMIC MANAGEMENT ORDER**
(Issued June 1, 2021)

**Administrative Order and
Notice from the Maine Supreme Judicial Court**

Starting in March of 2020, in response to the public health concerns caused by the novel coronavirus (COVID-19), Maine's Judicial Branch issued a series of Pandemic Management Orders (PMOs) addressing the wearing of masks, the need for social distancing, required health screening at all court facilities, limiting access to those facilities, mandating the use of remote hearing protocols, and limiting or banning certain types of dockets. Those PMOs were amended as circumstances changed and new information was learned. Now, given the recent guidance from the Maine and United States Centers for Disease Control and Prevention and in light of the Governor's Executive Order 39 FY 20/21, the Supreme Judicial Court has determined that those PMOs are no longer necessary and may be rescinded.

However, because many of the practices, processes, and procedures implemented as a result of those PMOs have proven to be effective and efficient, the Court has determined to continue those practices, processes, and procedures. Therefore, the Supreme Judicial Court issues this Post-Pandemic Management Order (PPMO), number PPMO-SJC-1, **effective June 1, 2021**, in order to extend the use of those practices, processes, and procedures.

PPMO-SJC-1(A) FACE COVERING REQUIREMENTS IN COURT FACILITIES

Every litigant, lawyer, juror, law enforcement officer, or other member of the public who enters a Maine courthouse or another Judicial Branch facility will be required to wear a 3-ply surgical mask or cloth face covering that covers the person's nose and mouth. Regardless of vaccination status, all litigants, lawyers, jurors, law enforcement officers, or other members of the public may be required to adhere to face covering requirements at all times while in a courthouse or other Judicial Branch facility.

Any person who refuses to wear a face covering will be refused entrance and provided with a contact number for assistance. In order to protect the public and court staff, anyone attempting to enter in violation of this protocol will be denied entry by a Judicial Marshal.

In any building with alternate requirements or restrictions, entrance to or participation in any Judicial Branch proceeding requires adherence to the face-covering requirements set forth herein.

PPMO-SJC-1(B) FACE-COVERING REQUIREMENTS IN COURTROOMS

All persons, regardless of vaccination status, shall adhere to face-covering requirements while in courtrooms unless and until the presiding judicial officer specifically permits any individuals to remove their face covering.

PPMO-SJC-1(C) COURTHOUSE CASE SCHEDULING

Each Region shall create and implement schedules tailored to the needs of that Region.

PPMO-SJC-1(D) FORMATS FOR COURT PROCEEDINGS

Each presiding judicial officer has the discretion to conduct conferences, hearings, and trials remotely through video or telephonic formats, or in person. Each judicial officer has the discretion to allow counsel, parties, and witnesses to participate remotely through video or telephonic formats, or in person in any conference, hearing, or trial. In determining the format of the proceeding, a judicial officer shall consider the health and safety of the court staff, parties, and witnesses; the ability of parties to participate remotely; and the effect its decision will have on the availability to other parties, of limited Judicial Branch resources, including courtroom space, technology assistance, and clerical assistance, and any other relevant information.

PPMO-SJC-2, issued this same date, provides guidance for conducting and participating in remote proceedings.

PPMO-SJC-1(E) ORDER REGARDING THE TIMELY FILING OF CRIMINAL COMPLAINTS AND LIMITS ON THE NUMBER OF PERSONS ASSIGNED A SPECIFIC ARRAIGNMENT DATE

In order to allow the courts to address the backlog of cases and newly filed cases in a consistent and efficient manner, all criminal complaints and/or summonses must be filed with the Clerk's Office at least 14 days before the scheduled arraignment date. The only exception to this requirement is for new criminal complaints for persons who are currently in custody and have not made bail on the new charges.

If a complaint or summons is filed later than 14 days before the arraignment date, the Clerk's Office will reject the filing and the prosecutor or law enforcement officer attempting to file the complaint or summons will be required to have the person re-summonsed for a new arraignment date. The new arraignment date must be at least 21 days after service, and the complaint or summons must be filed at least 14 days before the new arraignment date.

Each law enforcement agency will be assigned specific arraignment dates and allotted a set number of defendants who can be summonsed for each arraignment date. Once that number is reached, the law enforcement agency will be required to use the next available date on its arraignment dates schedule. Each law enforcement agency is responsible for tracking the number of cases it has pending arraignment and ensuring that its allotted number of defendants for a given arraignment date is not exceeded.

Copies of the scheduling dates assignments and allocation of slots tables will be posted on the Judicial Branch website at:

<https://www.courts.maine.gov/courts/schedules/index.html>

PPMO-SJC-1(F) ORAL ARGUMENTS IN THE SUPREME JUDICIAL COURT

Oral arguments scheduled before the Supreme Judicial Court, sitting as the Law Court, may be conducted either by in-person oral arguments or remote video arguments, at the discretion of the Justices. The Clerk of the Law Court will notify parties of the mode and schedule of review.

PPMO-SJC-1(G) BOARDS AND COMMITTEES

All boards and committees established by the Maine Supreme Judicial Court continue to be authorized to conduct any and all meetings, conferences, and other activities by means of an electronic medium without in-person participation.

PPMO-SJC-1(H) RESCISSION OF PMOs

The following PMOs are rescinded:¹

- PMO-SJC-1 (compendium of multiple provisions);
- PMO-SJC-2(B);
- PMO-SJC-5 (quarantine procedures);
- PMO-SJC-7 (remote proceedings and public access);
- PMO-SJC-9 (screening questions upon entry to a court facility);
- PMO-SJC-10 (procedures for hearing child protection cases); and
- PMO-SJC-11 (extending continuing legal education deadlines).

OTHER POST-PANDEMIC MANAGEMENT ORDERS

Other post-pandemic management orders of the Supreme Judicial Court and the Trial Court Chiefs can be found at this site:

<https://www.courts.maine.gov/covid19/index.html>.

Dated: June 1, 2021

For the Court:

_____/s/_____
Andrew M. Mead
Acting Chief Justice

¹ The May 27 revision of PMO-SJC-3 discontinues the acceptance of emailed filings but continues to provide for the acceptance of emailed proposed orders and Guardian ad Litem reports. PMO-SJC-3A (emailed filings in Protection from Abuse and Protection from Harassment matters) is also revised as of June 1, 2021, but also remains in full force and effect.